

PHARMACY BOARD[657]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 124.301 and 147.76, the Board of Pharmacy hereby gives Notice of Intended Action to amend Chapter 2, “Pharmacist Licenses,” Chapter 3, “Pharmacy Technicians,” Chapter 5, “Pharmacy Support Persons,” Chapter 8, “Universal Practice Standards,” Chapter 10, “Controlled Substances,” Chapter 12, “Precursor Substances,” Chapter 17, “Wholesale Drug Licenses,” and Chapter 24, “Pharmacy Internet Sites,” Iowa Administrative Code.

The amendments were approved at the August 29, 2012, regular meeting of the Board of Pharmacy.

The proposed amendments would reduce by at least 10 percent most initial and renewal license and registration fees and most penalty fees for late applications that are currently assessed by the Board. After the 10 percent reduction is calculated, some of the fees are rounded down to the next lowest \$10 increment to simplify accounting when a surcharge to support the Iowa Pharmacy Professional and Technician Recovery Network is added to the specific fee. Additional proposed amendments clarify the forms of payment currently accepted by the Board and provide that a late payment penalty fee is not to be imposed on an application for renewal of a delinquent pharmacy technician registration if the applicant has not been practicing as a pharmacy technician since the registration expired.

Requests for waiver or variance of the discretionary provisions of Board rules will be considered pursuant to 657—Chapter 34.

Any interested person may present written comments, data, views, and arguments on the proposed amendments not later than 4:30 p.m. on October 23, 2012. Such written materials may be sent to Terry Witkowski, Executive Officer, Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688; or by e-mail to terry.witkowski@iowa.gov.

After analysis and review of this rule making, no adverse impact on jobs has been found. The reduced license and registration fees may positively impact job and economic growth for businesses in the state of Iowa. The reduction in fees may allow a person to keep a job, get a raise, and spend more disposable income.

These amendments are intended to implement Iowa Code sections 124.301, 124.302, 124.303, 124B.11, 147.10, 147.11, 147.34, 147.36, 147.76, 147.80, 147.82, 155A.6, 155A.6A, 155A.6B, 155A.9, 155A.11, 155A.13, 155A.13A, 155A.13B, 155A.14, 155A.17, 155A.39, and 272C.3.

The following amendments are proposed.

ITEM 1. Amend subrule 2.3(1) as follows:

2.3(1) Fees to the board. The biennial license fee shall be the fee established by rule 657—2.11(147,155A), including surcharge. The processing fee shall be ~~\$80~~ \$72. No refunds of the processing fee shall be made for cancellation or withdrawal of applications. The license fee and processing fee shall be payable to the Iowa Board of Pharmacy and may be remitted in the form of personal check, money order, cashier’s check, or certified check. No refund of fees shall be made for failure to complete all licensure requirements within the period specified in subrule 2.1(2).

ITEM 2. Amend rule 657—2.6(147) as follows:

657—2.6(147) Reexamination applications and fees. A candidate who fails to pass the NAPLEX once shall be allowed to schedule a time to retake the examination no less than 91 days following administration of the failed examination. A candidate who fails to pass the MPJE, Iowa Edition, once shall be allowed to schedule a time to retake the examination no less than 30 days following

administration of the failed examination. A candidate who fails to pass either examination following a second or subsequent examination may petition the board for permission to take the examination again. Determination of a candidate's eligibility to take an examination more than two times shall be at the discretion of the board.

Each applicant for reexamination shall file an application on forms provided by the board. Processing fees of ~~\$40~~ \$36 each will be charged to take NAPLEX or MPJE, Iowa Edition, and shall be paid to the board as provided in subrule 2.3(1). In addition, candidates will be required to complete the appropriate examination registration application as provided in rule 657—2.2(155A) and to pay to NABP the registration and administration fees for each examination as provided in subrule 2.3(2). All applications, registration forms, and fees shall be submitted as provided in subrules 2.3(2) and 2.3(3).

ITEM 3. Amend subrule 2.9(4) as follows:

2.9(4) Fees. The fee for license transfer shall consist of the biennial license fee established by rule 657—2.11(147,155A) including surcharge and a processing fee of ~~\$100~~ \$90. No refunds of the processing fee shall be made for cancellation or withdrawal of an application. The license fee and processing fee shall be payable to the Iowa Board of Pharmacy and may be remitted in the form of personal check, money order, cashier's check, or certified check.

ITEM 4. Amend rule 657—2.11(147,155A) as follows:

657—2.11(147,155A) License expiration and renewal. A license to practice pharmacy shall expire on the second thirtieth day of June following the date of issuance of the license, with the exception that a new pharmacist license issued between April 1 and June 29 shall expire on the third thirtieth day of June following the date of issuance. The license renewal certificate shall be issued upon completion of the renewal application and timely payment of a ~~\$200~~ \$180 fee plus applicable surcharge pursuant to 657—30.8(155A).

2.11(1) Late payment penalty. Failure to renew the license before July 1 following expiration shall require payment of the renewal fee, a penalty fee of ~~\$200~~ \$180, and applicable surcharge pursuant to 657—30.8(155A). Failure to renew the license before August 1 following expiration shall require payment of the renewal fee, a penalty fee of ~~\$300~~ \$270, and applicable surcharge pursuant to 657—30.8(155A). Failure to renew the license before September 1 following expiration shall require payment of the renewal fee, a penalty fee of ~~\$400~~ \$360, and applicable surcharge pursuant to 657—30.8(155A). Failure to renew the license before October 1 following expiration may require an appearance before the board and shall require payment of the renewal fee, a penalty fee of ~~\$500~~ \$450, and applicable surcharge pursuant to 657—30.8(155A). In no event shall the combined fee and penalty fee for late renewal of the license exceed ~~\$700~~ \$630 plus applicable surcharge pursuant to 657—30.8(155A). The provisions of Iowa Code section 147.11 shall apply to a license that is not renewed within five months of the expiration date.

2.11(2) No change.

ITEM 5. Amend subrule 3.10(1) as follows:

3.10(1) Certified or uncertified pharmacy technician registration. The fee for obtaining an initial certified pharmacy technician registration or for biennial renewal of a certified pharmacy technician registration or an uncertified pharmacy technician registration shall be ~~\$50~~ \$40 plus applicable surcharge pursuant to rule 657—30.8(155A).

ITEM 6. Adopt the following **new** paragraph **3.11(2)“c”**:

c. A late payment fee shall not be assessed on an expired registration if the person was not employed as a pharmacy technician during the period following expiration of the registration.

ITEM 7. Amend rule 657—5.9(155A) as follows:

657—5.9(155A) Registration fee.

5.9(1) Initial fee. The fee for obtaining an initial registration shall be ~~\$30~~ \$25.

5.9(2) Renewal fee. The renewal fee for obtaining a biennial registration shall be ~~\$30~~ \$25.

5.9(3) and **5.9(4)** No change.

ITEM 8. Amend subrule 5.11(1) as follows:

5.11(1) Fee. A person required to register or to renew the person's registration who files a late application shall pay an additional ~~\$30~~ \$25 late payment fee.

ITEM 9. Amend subrule 8.35(4) as follows:

8.35(4) License expiration and renewal. General pharmacy licenses, hospital pharmacy licenses, special or limited use pharmacy licenses, and nonresident pharmacy licenses shall be renewed before January 1 of each year. The fee for a new or renewal license shall be ~~\$150~~ \$135.

a. Late payment penalty. Failure to renew the pharmacy license before January 1 following expiration shall require payment of the renewal fee and a penalty fee of ~~\$150~~ \$135. Failure to renew the license before February 1 following expiration shall require payment of the renewal fee and a penalty fee of ~~\$250~~ \$225. Failure to renew the license before March 1 following expiration shall require payment of the renewal fee and a penalty fee of ~~\$350~~ \$315. Failure to renew the license before April 1 following expiration shall require payment of the renewal fee and a penalty fee of ~~\$450~~ \$405 and may require an appearance before the board. In no event shall the combined renewal fee and penalty fee for late renewal of a pharmacy license exceed ~~\$600~~ \$540.

b. No change.

ITEM 10. Amend rule 657—10.3(124) as follows:

657—10.3(124) Registration and renewal. For each registration or timely renewal of a registration to manufacture, distribute, dispense, prescribe, import or export, conduct research or instructional activities, or conduct chemical analysis with controlled substances listed in Schedules I through V of Iowa Code chapter 124, registrants shall pay a biennial fee of ~~\$100~~ \$90.

10.3(1) No change.

10.3(2) Late renewal. Any registered person or business may apply, on forms provided by the board office, for registration renewal not more than 60 days prior to the expiration of the registration. Failure to renew a registration prior to the first day of the month following expiration shall require payment of the renewal fee and a penalty fee of ~~\$100~~ \$90. Payment shall be made as specified in subrule 10.3(1).

ITEM 11. Amend subrule 12.7(2) as follows:

12.7(2) Initial permit, renewal, and fees. The fee for an initial permit or permit renewal shall be paid at the time that the application for the permit or permit renewal is submitted for filing. Payment shall be made in the form of a personal, business, certified, or cashier's check or money order made payable to the Iowa Board of Pharmacy. Payments made in the form of foreign currency or third-party endorsed checks will not be accepted.

a. Initial and renewal fees. For each initial permit or timely renewed permit, an applicant shall pay a fee of ~~\$200~~ \$180.

b. Late application. Failure to renew a permit prior to January 1 following the permit's expiration shall require payment of the renewal fee plus a ~~\$200~~ \$180 late payment fee.

c. No change.

ITEM 12. Amend subrule 17.3(2) as follows:

17.3(2) License expiration and renewal. A wholesale drug license shall be renewed before January 1 of each year. The fee for a new or renewal license shall be ~~\$300~~ \$270.

a. Late payment penalty. Failure to renew the license before January 1 shall require payment of the renewal fee and a penalty fee of ~~\$300~~ \$270. Failure to renew the license before February 1 following expiration shall require payment of the renewal fee and a penalty fee of ~~\$400~~ \$360. Failure to renew the license before March 1 following expiration shall require payment of the renewal fee and a penalty fee of ~~\$500~~ \$450. Failure to renew the license before April 1 following expiration shall require payment of the renewal fee and a penalty fee of ~~\$600~~ \$540 and may require an appearance before the board. In no event shall the combined renewal fee and penalty fee for late renewal of a wholesale drug license exceed ~~\$900~~ \$810.

b. No change.

ITEM 13. Amend subrule 24.7(4) as follows:

24.7(4) Fees and term of registration. The following fees, as applicable, shall accompany an application for pharmacy Internet site registration or registration renewal:

a. *Initial registration.* The fee for initial registration of a pharmacy Internet site shall be ~~\$150~~ \$135. All registrations shall expire annually on December 31.

b. *Registration renewal.* The fee for renewal of a pharmacy Internet site registration shall be ~~\$150~~ \$135. Failure to renew a registration prior to expiration shall require payment of a late payment fee in the amount of ~~\$150~~ \$135 in addition to the renewal fee. Failure to renew a registration within 30 days following expiration shall require payment of a late payment fee in the amount of ~~\$250~~ \$225 in addition to the renewal fee. Failure to renew a registration within 60 days following expiration shall require payment of a late payment fee in the amount of ~~\$350~~ \$315 in addition to the renewal fee. Failure to renew a registration within 90 days following expiration shall require payment of a late payment fee in the amount of ~~\$450~~ \$405 in addition to the renewal fee. The total renewal and late payment fee shall not exceed ~~\$600~~ \$540. Failure to timely renew a registration may subject the registrant to disciplinary action.